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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,920	07/24/2001	Cho-Chou Kuo	41548	2753

1609 7590 09/10/2002
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER

BASKAR, PADMAVATHI

ART UNIT	PAPER NUMBER
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1645

DATE MAILED: 09/10/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

file copy

Office Action Summary	Application No.	Applicant(s)	
	09/910,920	KUO ET AL.	
	Examiner	Art Unit	
	Padmavathi v Baskar	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 1645

DETAILED ACTION

1. The Examiner of your application, 09/910,920 in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Padma Baskar, Art Unit 1645.
2. Applicant's election with traverse of Claims 1-8 (Group I) with respect to mannose-6-phosphate filed on 7/3/02 in Paper # 8 is acknowledged.

Applicants have traversed the restriction requirement set forth in the Office Action mailed June 6, 2002 (Paper #. 6) stating that the Examiner has made an error in defining the groups. The Office regrets the oversight made in the restriction requirement mailed on June 6, 2002 (Paper #. 6) in reciting claims 1-8 drawn to an antibody. Applicants have asserted that claims 1 and 9, the independent claims of each group are not limited to an antibody. The examiner agrees with the applicant and indeed claims 1-8 are drawn to a composition comprising a Chlamydial inhibiting molecule such as mannose-6-phosphate, a mannose-6-phosphate receptor, or an insulin-like- growth-factor-2. Although claims 1 and 9 are generic they are considered separate inventions. The composition claims 1-8 in Group I are a separate and distinct invention from the method of treatment as recited in Group II. Upon further review of the application, the Examiner has withdrawn the restriction requirement of claims 1-16 limiting the applicant to mannose-6-phosphate, a mannose-6-phosphate receptor, or an insulin-like-growth factor. Claims 1-16 are pending in the application. Claims 9-16 have been withdrawn from further consideration as a non-elected invention and claims 1-8 are under examination.

The requirement is still deemed proper and is therefore made **FINAL**.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-4, 6 and 8 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ooij et al 1997.

The claims are drawn to a composition comprising Chlamydia inhibiting amount of a molecule that interacts with mannose-6-phosphate, a mannose-6-phosphate receptor, or an insulin-like- growth-factor-2, said molecule is an antibody that specifically binds to mannose-6-phosphate, a mannose-6-phosphate receptor, or an insulin-like- growth-factor-2.

Ooij et al. (Infect .Immun. 1997 Vol. 65(2) pp. 758-766) disclose a composition comprising an inhibiting amount of a molecule i.e., monoclonal antibody to mannose-6-phosphate receptor (see page 759, left column, second paragraph) in a pharmaceutical composition i.e., PBS (see page 759, left column last three lines of last paragraph). Further, Chlamydia infected cells bind to antibodies to mannose-6-phosphate receptor (CI-M6PR). CI-M6PR binds to mannose-6-phosphate residues on proteins in the TGN (see page 760, left column 3rd paragraph) and thus the composition comprises mannose-6-phosphate. The prior art anticipated the claimed invention.

6. Claims 1 and 8 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kuo et al 1996.

The claims are drawn to a composition comprising an inhibiting amount of a molecule that interacts mannose-6-phosphate and a pharmaceutical carrier.

Art Unit: 1645

Kuo et al. (J.Clin.Invest, Vol. 98(12) pp. 2813-2818) disclose a composition comprising a Chlamydia inhibiting amount of a molecule i.e., high mannose type oligosaccharide from Chlamydia MOMP and hen ovalbumin containing glycolipids (i.e., polymeric mannose-6-phosphate see abstract, Table III, figure 2 and 3, page 2816, right column through 2817) in a pharmaceutical composition i.e., buffer A (see page 2814, right column under preparation of glycolipids). The prior art anticipated the claimed invention.

7. Claims 1-8 are rejected under 35 U.S.C. 102 (a) as being anticipated by Lin et al 2001.

The claims are drawn to a composition comprising Chlamydia inhibiting amount of a molecule that interacts with mannose-6-phosphate, a mannose-6-phosphate ~~receptor~~ ^{factor} or an insulin-like- growth-factor-2, said molecule is an antibody that specifically binds to mannose-6-phosphate, a mannose-6-phosphate receptor, or an insulin-like- growth-factor-2.

Lin et al. (J.Infect. Dis 2001 Vol. 183(2) pp. 1368-72) disclose a composition comprising an inhibiting amount of a molecule i.e., monoclonal antibody to insulin growth ~~receptor~~ ^{factor} -2(IGF-2 see abstract and figure 4) in a pharmaceutical composition i.e., medium (see page 1369, right column, third paragraph). Further, antibody against IGF-2 blocks the growth-enhancing activity of IGF-2 against C.pneumoniae AR-39 in endothelial cells cultured with 5-10K kDa conditioned medium containing C.pneumoniae comprising mannose-6-phosphate (figure 4). IGF-2 and antibodies to IGF-2 bind to mannose-6-phosphate receptor (left column, first paragraph on page 1371) and insulin like growth factor receptor via their binding sites and thus inhibits the growth of Chlamydia. The prior art anticipated the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Padmavathi v Baskar whose telephone number is (703) 308-8886. The examiner can normally be reached on M-F (6:30A.M-4: 00 P.M.) First Friday off.


Art Unit: 1645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (703) 308-3909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235

Padma Baskar Ph.D

September 3, 2002


LYNETTE R. F. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600